

CHAPTER 73. MISCELLANEOUS STREET AND SIDEWALK REGULATIONS

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73.01. Excavations. No person shall make any opening or excavation in or under any public right-of-way within the city, without first obtaining a permit from the city engineer. In granting any such permit the city engineer shall specify the conditions to be complied with in connection with the opening or excavation. For purposes of this chapter public right-of-way means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic and also those areas that have been dedicated to the public for pedestrian usage by plat or by easement. (4184, 2/2/15)

73.02. Removals; Depositing; Signs.

Subdivision 1. Removals. No person shall remove any sand, gravel or earth from any public right-of-way without first obtaining a permit from the city engineer.

Subdivision 2. Depositing. No person shall place or maintain in any public right-of-way any gravel, sand, fill, landscaping materials, garbage cans, dumpsters, or other materials or objects without first obtaining a permit from the city engineer. The person responsible for placing the materials or objects in the public right-of-way shall be liable for the cost incurred in its removal and disposal.

Subdivision 3. Signs on Public Property.

A. No person, other than a road authority, its agent, employee, contractor or public utility carrying out its authorized duty, shall place, post, or erect any sign within the public right-of-way. The police department, the department of public works, the public utility department, or any other authorized staff may remove any sign that is posted within the public right-of-way contrary to the provisions of this section. The person responsible for the posting of a sign in violation of this section shall be liable for the cost incurred in its removal and disposal, and the city clerk is authorized to collect the cost incurred.

B. No person shall paint, mark or write on, post, or otherwise affix any handbill, sign, advertisement or flyer to or upon any public property or in any public right-of-way. For purposes of this section, "public property" shall mean any sidewalk; crosswalk; curb; parking meter; street lamppost; hydrant; tree; shrub; tree stake or guard; electric light, power or telecommunications pole or wire appurtenance; utility structure; street sign; or traffic sign that is located within a public utility easement or public right-of-way.

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C. Any handbill or sign found posted or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the police department, the department of public works, the public utility department or any other person. The person responsible for any such illegal posting shall be liable for the cost incurred in its removal and the city clerk is authorized to collect the cost.

D. This section does not apply to any marking on or posting of a handbill, sign or flyer to public property authorized by the City as part of the normal use or operation of that public property item or for any other municipal government purpose, or to the posting of a handbill, sign or flyer to public property authorized by a revocable permit issued by the Council so long as the permittee complies with the conditions of the permit. The Council may issue a revocable permit to a city-sponsored or non-profit organization wishing to:

- (i) Advertise an event sponsored by the city-sponsored or non-profit organization;
- (ii) Advertise a fundraising activity for a city-sponsored or non-profit organization; or
- (iii) Recognize a special day, week or month.

Subd. 4. A violation of this section results in a public nuisance. Any person violating this section and the property owner of the property adjacent to the public nuisance may be issued an administrative citation under chapter 5. Any administrative civil fine imposed shall be in addition to the cost recovery for cleanup, disposal, or correction of the created nuisance. (4184, 2/2/15)

73.03. Certain Animals on Sidewalks. This section has been repealed per Ordinance # 4184 on February 2, 2015.

73.04 Obstruction of Public Thoroughfares. Subdivision 1. The following words as used in this section will have the meanings provided below:

A. "Obstruct a public thoroughfare" means to loiter, loaf, wander, stand or remain idle either alone or in concert with others in a public place in such a manner so as to:

- (1) obstruct any public thoroughfare by hindering or impeding the free and uninterrupted passage of vehicles,

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traffic or pedestrians; or

(2) commit in or upon any public thoroughfare any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public thoroughfare, all of which prevents the free and uninterrupted access thereto.

B. "Public Thoroughfare" means any public street, highway or sidewalk, or any other public place or building.

Subd. 2. No person shall obstruct a public thoroughfare. When any person obstructs a public thoroughfare, any law enforcement officer must order the person to stop the obstruction. If the person refuses to obey the law enforcement officer's order, the person is guilty of obstructing a public thoroughfare, which is a misdemeanor offense.

73.05. Sidewalks; curbs. Subdivision 1. No person shall drive or lead any team, horse, ox or mule along or across any of the City sidewalks, nor stop any such animals upon any crosswalk within the City.

Subd. 2. No person shall place on the sidewalk or in the street in front of any store building any beer, keg, liquor barrel or case for holding beer in bottles or cans without a permit from the Council to do so.

Subd. 3. No person shall slide or coast on any sled or sleigh upon any sidewalk in the City.

Subd. 4. No person shall paint or stencil on any curb located in a public right-of-way in the city except for authorized public utility purposes only.

Subd. 5. No person shall exhibit or demonstrate any goods, wares or merchandise upon any public street or sidewalk without a permit from the council to do so.
(4011, 4/4/11; 4184, 2/2/15)

73.06. Sliding on Sidewalks. This section has been repealed per Ordinance #4184 on February 2, 2015

73.07. Signs on Sidewalks. This section has been repealed per Ordinance # 4184 on February 2, 2015.

73.071. Painting Curbs. This section has been repealed per Ordinance # 4184 on

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February 2, 2015.

73.08. Sidewalk Sales. This section has been repealed per Ordinance # 4184 on February 2, 2015.

73.09. Barricades. No person shall tamper with, remove, knock down, ride through or otherwise interfere with any warning barrier or barricade maintained in any street, sidewalk or public ground. This section applies to barricades maintained by the city, and also to those maintained by any contractor engaged in doing work in the city.

73.10 Skateboards Prohibited. Subdivision 1. For the purposes of this section, the following terms shall have the meanings ascribed herein:

(a) "central business district" means the area of the City bounded by the following line: commencing at the center of the 4th Street bridge over Bear Creek, thence northerly along the centerline of Bear Creek to the center of the intersection of the Zumbro River, thence northerly along the centerline of the Zumbro River to Second Street Northeast; thence westerly along the centerline of Second Street to its intersection with Fourth Avenue Northwest; thence southerly along the centerline of Fourth Avenue to its intersection with Sixth Street Southwest; thence easterly along the centerline (and continuation thereof) to the centerline of the Zumbro River; thence northerly to the center of the Fourth Street bridge over the Zumbro River; thence easterly along the centerline of Fourth Street Southeast to the point of beginning.

(b) "rollerskates" means a shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.

(c) "skateboard" means a wheeled device designed to transport a rider in a standing position, which device is not otherwise secured to a rider's feet or shoes.

Subd. 2. No person shall use a skateboard, rollerblades or rollerskates on any public sidewalk, or in the Peace Plaza, or any public parking lot, or in any public or private structure located in the central business district. Nothing in this section shall prohibit the use of skateboards, rollerblades or rollerskates on the bike paths along the Zumbro River. Nothing in this section shall prohibit the use of skateboards, rollerblades or rollerskates on any public property as part of a demonstration or exhibition activity authorized by the Common Council.

Subd. 3. Nothing contained in this ordinance shall be deemed to prohibit the use by a disabled person of a wheelchair or other wheeled device designed to assist the ambulatory disabled on the sidewalks, public parking lots, or public or private parking structures in the

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central business district. Nothing contained in this ordinance shall be deemed to prohibit the use of skateboards, rollerblades or rollerskates on the bicycle paths along the Zumbro River.

Subd. 4. The first and second violation of this ordinance shall be a petty misdemeanor. Any subsequent violations of this ordinance shall be a misdemeanor.

73.11. Signs on Public Property. This section has been repealed per Ordinance # 4184 on February 2, 2015

73.12. Flags on Public Right-Of-Way. Subdivision 1. No person shall permanently or temporarily place, install or otherwise affix any flag, flag sleeve or other facility intended to hold a flag within the public right-of-way without having first obtained a revocable permit from the Common Council.

Subd. 2. All revocable permits issued pursuant to this section are subject to the following conditions:

- A. Permit may only be issued to a non-profit corporation (501(c)(3)) registered in the State of Minnesota.
- B. Permit is valid until December 31 of the year issued.
- C. Permittee must submit a listing of properties requesting a flag concurrent with the application for the permit. The listing may be amended periodically with authorization by the City Clerk and payment of the required fee.
- D. Flags allowed to be flown are limited to those of the United States of America, State of Minnesota and the City of Rochester.
- E. Display of flags will be limited to Memorial Day, Flag Day, Independence Day, Labor Day and Veteran's Day.
- F. Flags must be installed and removed within 24 hours of the authorized display day.
- G. Flag size must not exceed 36 inches tall and 60 inches wide.

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- H. Total height of the flag and pole must not exceed ten feet in height.
- I. Locations of flags shall not be in conflict with light poles, trees, mail boxes or sight visibility zones.
- J. Flag sleeves (used to place the flag pole in) must be used for placement of the flag in the right-of-way.
- K. Flag sleeves shall be located at least two feet behind the curb or street surface if there is no curb, and in a location approved by the City Engineer. Flag sleeves must not exceed one inch diameter and 16 inches in length, and must be installed flush to the surface of the ground and capped when not in use.
- L. Permittee must obtain proper utility locations prior to installation of flag sleeves.
- M. Permittee must remove all improvements upon expiration of the permit.
- N. Permit must include indemnity language holding the City harmless from any and all claims related to the placement of the flag or flag sleeve in the public right-of-way.

Subd. 3. The following fees must be paid prior to the issuance of the permit.

- A. Permittee must provide an annual payment of \$200. This payment covers up to 100 properties that may be submitted at the time of application.
- B. Permittee must provide payment of ten dollars per parcel for properties in excess of the initial 100 properties submitted at the time of application or for any property submitted after the date of permit issuance.

73.13. Traffic Island, Median, or Roadway. Subdivision 1. Public rights-of-way and easements, including traffic islands, medians, and roadways, are held by the City in trust for the public use to ensure the health, safety, and welfare of City residents and those traveling upon the rights-of-way. The City also possesses the power to prevent

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and abate public nuisances within public rights-of-way. The purpose of this section is to prevent the use of traffic islands or medians so as to constitute a traffic hazard, a risk to individuals occupying the islands or medians, or a condition dangerous to public safety all of which threatens the public's health, welfare, and safety.

Subd. 2. No person shall, after having been given due notice warning by a police officer or community service officer, persist in walking or standing on any traffic island or median, or upon the roadway of any street or highway, except for the purpose of crossing the roadway at an intersection or designated crosswalk, for the purpose of entering or exiting a vehicle at the curb, or for the purpose of repairing, cleaning, or maintaining the traffic island or median. Any police officer or community service officer observing any person violating this section may request or order such person to remove themselves from such traffic island or median, or roadway, and may arrest such person if they fail to comply with such request or order.

Subd. 3. For purposes of this section, the term "traffic island or median" shall mean any area or space within a roadway which is set aside by the use of materials or paint for the purpose of separating or controlling the flow of traffic and which is not constructed or intended for use by vehicular traffic or by pedestrians, unless such area or space is marked or otherwise designated as a crosswalk.

Subd. 4. For purposes of this section, the term "roadway" shall mean that portion of a street or highway between the regularly established curb lines or that part improved and intended to be used for vehicular traffic. (4168, 8/18/14)

(1,10/6/1858; 15, 8/16/1862; 54, 12/6/1873; 108, 10/17/1890; 280, 6/8/1920; 284, 11/3/1920; 379, 11/9/1927; 2508, 5/20/86; 2829, 7/7/92; 2829, 7/6/92; 2879, 6/22/93; 3085, 4/8/97; 3275, 10/5/99; 3486, 6/3/02; 3562, 5/5/03; 3667, 9/20/04; 3954, 2/1/10; 4011, 4/4/11; 4168, 8/18/14; 4184, 2/2/15)